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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 MONTENEQUE NAKIA KNOX,)
9 Petitioner,) 3:09-cv-0502-RCJ-RAM
10 vs.) **ORDER**
11 GREGORY SMITH, *et al.*,)
12 Respondents.)

14 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254,
15 by a Nevada state prisoner. By order filed September 18, 2009, this action was dismissed without
16 prejudice for failure to exhaust state court remedies. (Docket #3). Judgment was entered on September
17 21, 2009. (Docket #5).

18 Recently, on April 2, 2010, petitioner submitted a request for submission and filed a copy of his
19 habeas petition. (Docket #6 and #7). Petitioner is informed that this action is closed. No further
20 documents shall be filed in this closed action. To the extent petitioner has exhausted state court
21 remedies and wishes to bring a federal habeas petition, he may file a petition as a new action, but may
22 not proceed in this closed action. Furthermore, the petition filed April 2, 2010, in this action, shall be
23 stricken.

24 **IT IS THEREFORE ORDERED** that the Clerk of Court **SHALL SEND** petitioner a copy of
25 the Court's order filed September 18, 2009 (Docket #3) and a copy of the judgment entered on
26 September 21, 2009 (Docket #5).

IT IS FURTHER ORDERED that petitioner shall file no further documents in this closed action.

IT IS FURTHER ORDERED that, if petitioner has exhausted state court remedies and wishes to bring a federal habeas petition, **he may file a petition as a new action, but may not proceed in this closed action.**

IT IS FURTHER ORDERED that the habeas petition filed April 2, 2010 is **STRICKEN** from the record in this closed action.

8 DATED this 24 day of April, 2010.

UNITED STATES DISTRICT JUDGE